In the High Court of Punjab and Haryana at Chandigarh

CWP No.9072 of 1989
Date of decision: 20-9-2006

Shri M.S.Ahluwalia .....Petitioner

Versus

The State of Punjab and others .....Respondents

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Puneet Bali, Advocate, for the petitioner
Mr. Amit Rawal, Advocate, for respondent No.3

VINOD K.SHARMA,J. (ORAL)

The present writ petition has been filed impugning the order dated 17-5-1988 passed by respondent No.3 vide which the respondents claimed a sum of Rs. 2,61,108/- as outstanding on 31st of May 1988 and the petitioner herein was directed to deposit the above mentioned amount to avoid accrual of further interest on the outstanding amount. As the petitioner did not deposit the said amount, respondent No.3 by way of order dated 6th of December, 1988, again directed the petitioner to deposit a sum of Rs. 2,61,821/- by 31-12-1988.

The case of the respondents is that as the petitioner did not deposit the amount claimed, a show cause notice was issued on 21-2-1989 calling upon the petitioner to show cause as to why the allotment made to him should not be cancelled. In the said notice, it was stated that an amount of Rs. 2,96,038/- is outstanding as on 31st of January 1989. This Court vide order dated July 19,1989 while admitting the writ petition stayed the operation of the orders, Annexures P-1, P-2 and P-15 and the stay is still operative.

Learned counsel for the petitioner submits that in spite of the stay order, the allotment made to the petitioner was cancelled vide order dated 19-2-1991. The petitioner in order to challenge the order of cancellation filed CM No.1757 of 1991 and vide order dated 14-3-1991 the cancellation of the allotment was stayed.

Learned counsel for the petitioner without going into the merits of the controversy states that the petitioner would deposit the amount claimed i.e. Rs. 2,96,038/- and will also file a representation to claim relief from respondent No.3.

Learned counsel for respondent No.3 does not object to the above statement and states that in case the amount as demanded is deposited along with the representation within one month from today, the representation filed by the petitioner would be considered sympathetically and appropriate order shall be passed thereon.

In view of the above, the writ petition is allowed and the impugned orders Annexures P-1, P-2, P-15 and order of cancellation of plot dated 19-2-1991 are set aside with liberty as prayed for.

Copy of the order be given **dasti** on payment of usual charges.

September 20,2006 **(VINOD K.SHARMA)**
'dls' **JUDGE**